



Docket No.: 68878(303989)
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Kerstin Ehlert et al.

Application No.: 10/567,279

Confirmation No.: 9770

Filed: July 30, 2004

Art Unit: 1652

For: SCREENING ASSAY FOR ANTI-BACTERIAL
COMPOUNDS

Examiner: Christian L. Fronda

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed January 9, 2008, applicant hereby provisionally elects claims 1-4 for continued examination, with traverse.

The Examiner has required restriction between claims 1-4 and 5-8. The Commissioner may require restriction if two or more independent and distinct inventions are claimed in a single application (37 CFR 1.142(a)). The PCT held that all of claims 1-8 could be examined together and did so. The unity of invention question raised by the Examining Authority related to the identify of the promoter, not the specific claims. Thus, restriction between claim 1-4 and 5-8 is not warranted. It is respectfully requested that the restriction requirement be withdrawn, and that each of claims 1-8 presently pending in this application be examined.

Dated: May 6, 2008

Respectfully submitted,

By 

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